

1 HONORABLE RICARDO S. MARTINEZ
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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BRUCE KEITHLY, DONOVAN LEE,
11 and EDITH ANNA CRAMER,
12 Individually and on Behalf of all Other
13 Similarly Situated,

14 Plaintiffs,

15 vs.

16 INTELIUS, INC., A Delaware
17 Corporation; and INTELIUS SALES,
18 LLC, A Nevada Limited Liability
19 Company,

20 Defendants.

21 Case No. C09-1485-RSM

22 DECLARATION OF TYLER L.
23 FARMER IN SUPPORT OF
24 DEFENDANTS' MOTION TO DISMISS
25 PLAINTIFFS' COMPLAINT

NOTED FOR:
Friday, February 26, 2010
(ORAL ARGUMENT REQUESTED)

I, Tyler L. Farmer, declare:

1. I am counsel of record to Defendants in the above captioned action, am over age
18, and competent to be a witness. I am making this declaration based on facts within my own
personal knowledge and in support of Defendants' Motion to Dismiss Plaintiffs' Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of the Adaptive Marketing
LLC "Family Safety" enrollment form webpage on the Intelius site displayed to plaintiff Lee/
Cramer in June 2008.

DECLARATION OF TYLER L. FARMER IN
SUPPORT OF DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' COMPLAINT - 1

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL, (206) 623-1700 FAX, (206) 623-8717

1 3. Attached hereto as Exhibit B are true and correct copies of the Adaptive Marketing
2 LLC enrollment form webpages considered in the VistaPrint litigation.

3 4. I declare under penalty of perjury under the laws of the State of Washington
4 that the foregoing is true and correct.

5 DATED this 11th day of January, 2010 at Seattle, Washington

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TYLER FARMER

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DECLARATION OF TYLER L. FARMER IN
SUPPORT OF DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' COMPLAINT - 2

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2 **CERTIFICATE OF SERVICE**

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4 I hereby certify that on this 11th day of January, 2010, I served a true and correct copy
5
6 of the foregoing DECLARATION OF TYLER FARMER IN SUPPORT OF DEFENDANTS'
7
8 MOTION TO DISMISS PLAINTIFFS' COMPLAINT on the following individuals:
9

10 **Attorney for Plaintiffs**

11
12 Mark A. Griffin, WSBA #16296
13 Karin B. Swope, WSBA #24015
14 Keller Rohrback L.L.P.
15 1201 Third Avenue, Suite 3200
16 Seattle, WA 98101
17 Telephone: (206) 623-1900
18 Fax: (206) 623-3384
19 Email: mgriffin@kellerrohrback.com
20 kswope@kellerrohrback.com

21
22 Messenger
23 Email
24 ECF
25 Facsimile
26 US Mail

27
28 Andrew N. Friedman
29 Victoria S. Nugent
30 Whitney R. Case
31 Coehn Milstein Sellers & Toll P.L.L.C.
32 1100 New York Avenue, NW, Suite 500 West
33 Washington, DC 20005-3964
34 Telephone: (202) 408-4600
35 Fax: (202) 408-4699
36 Email: afriedman@cohenmilstein.com
37 vnugent@cohenmilstein.com
38 wcase@cohenmilstein.com

39
40 Messenger
41 Email
42 ECF
43 Facsimile
44 US Mail

45
46 
47 _____
48 Susie Clifford